

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDRO JUAN TAVARES,

Plaintiff,

- against -

CITY OF NEW YORK; BUREAU OF
CORRECTION DEPT.; GEORGE MOTCHAM
DETENTION CENTER; EMMANUEL BAILEY,
Warden; MISS GLOVER, Captain;
MISS PEE, Captain; MR. JEAN,
Corrections Officer; MISS JOHN DOE,
Corrections Officer;

Defendants.

: 08 Civ. 3782 (JSR) (JCF)

: MEMORANDUM
: AND ORDER

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DOC #:
DATE FILED: 5/15/08

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Pedro Jun Tavares, the pro se plaintiff in this case, has applied for appointment of counsel. The threshold consideration in ruling on such an application is a showing of some likelihood of merit. Cooper v. A. Sargenti Co., 877 F.2d 170, 172-74 (2d Cir. 1989). Mr. Tavares has not yet met this standard. No answer or motion directed to the complaint has yet been served, and no discovery has been taken. If no motion to dismiss is granted and discovery reveals a factual basis for the plaintiff's claims, he can reapply for appointment of counsel.

Accordingly, the plaintiff's motion is denied with leave to renew following commencement of discovery.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Copies mailed this date:

Pedro Juan Tavares
241-07-6598
George Motchan Detention Center
15-15 Hazen Street
East Elmhurst, New York 11370